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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MATTHEW WASHINGTON,  
  
                                Petitioner,  
  
          v.  
  
WARDEN WILLIAM GITTERE, et al.,  
  
                                Respondents.

Case No. 2:19-cv-00614-RFB-BNW  
  
ORDER

Petitioner Matthew Washington has submitted a *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus. He has paid the filing fee, and therefore, his application to proceed in forma pauperis is denied as moot. The court has reviewed the petition pursuant to Habeas Rule 4, and it shall be docketed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

Petitioner has also filed a motion for appointment of counsel (ECF No. 2). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor*

1 v. *Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However,  
2 counsel must be appointed if the complexities of the case are such that denial of  
3 counsel would amount to a denial of due process, and where the petitioner is a person  
4 of such limited education as to be incapable of fairly presenting his claims. See  
5 *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970).  
6 Here, it appears that Washington is serving lengthy sentences and that the legal issues  
7 he wishes to raise may be complex. Therefore, in order to ensure due process, the  
8 court grants Washington's motion for counsel.  
9

10 **IT IS THEREFORE ORDERED** that petitioner's application to proceed in forma  
11 pauperis (ECF No. 1) is **DENIED** as moot.

12 **IT IS FURTHER ORDERED** that the Clerk **shall file and ELECTRONICALLY**  
13 **SERVE** the petition (ECF No. 1-1) on the respondents.

14 **IT IS FURTHER ORDERED** that the Clerk shall add Aaron D. Ford, Nevada  
15 Attorney General, as counsel for respondents.

16 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel  
17 (ECF No. 2) is **GRANTED**.

18 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of  
19 Nevada (FPD) is appointed to represent petitioner.  
20

21 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the  
22 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus  
23 (ECF No. 1-1). The FPD shall have 30 days from the date of entry of this order to file a  
24 notice of appearance or to indicate to the court its inability to represent petitioner in  
25 these proceedings.  
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1           **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this  
2 case, the court will issue a scheduling order, which will, among other things, set a  
3 deadline for the filing of an amended petition.  
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5           DATED: May 28, 2019.

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9 RICHARD F. BOULWARE, II  
10 UNITED STATES DISTRICT JUDGE  
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